

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer via City Manager

SUBJECT: Acceptance of a Portion of Annis Road as Public Rights of Way

DATE: February 7, 2019

City Council Goals:

To design infrastructure and public facilities to be efficient, cost effective and to contribute to the cohesion and character of the community. (#2)

Purpose:

To formally adopt a portion of Annis Road into the city's public rights of way.

Recommendation:

Adopt attached resolution 2019-04 accepting a portion of Annis Road as public right of way.

Background:

In 2008, as a roadway widening condition of development for the construction of a new single family dwelling at 200 Annis Road, the city required the private portion of the road fronting this property to be brought to current standards, and also transferred in fee to the city. That construction and widening subsequently occurred, and the portion of the roadway was transferred to the City via Quitclaim Deed.

Recently, it came to staff's attention that this parcel had not been accepted by the City as public right of way. Council action is therefore necessary to designate this parcel as public right of way and for the parcel to be dedicated to the City as such.

Discussion:

As a practical matter, this parcel has been used and maintained as a City street since 2008. Adopting the attached resolution that will be recorded will simply correct this oversight.

A minor note associated with this acceptance into the public right of way is that a “super majority” approval of the Council is required per §1805 of the California Streets & Highways Code, as this action will effectively accept a public roadway less than forty feet wide:

The width of all city streets, except state highways, bridges, alleys, and trails, shall be at least 40 feet, except that the governing body of any city may, by a resolution passed by a four-fifths vote of its membership, determine that the public convenience and necessity demand the acquisition, construction and maintenance of a street of less than 40 feet and, after such determination, proceed with the acquisition, construction or maintenance of any such street.

The reason for this narrower dimension is that the “remainder” portion of the private Annis Road that was created after delineation of the adjoining parcels varies in width from 30.68’ to 30.69’; therefore, a 40’ wide street could not be obtained without taking land from adjoining private uses.

Fiscal Impact:

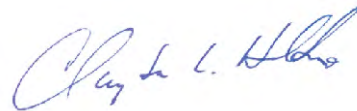
There is no fiscal impact in the City’s accepting this parcel as public right of way. The City has been maintaining, and will continue to maintain, this parcel as a City street.

Attachments:

Resolution 2019-04 Accepting Certain Parcels as Public Rights of Way



Director of Public Works/City Engineer



City Manager

RECORDING REQUESTED BY AND
AFTER RECORDATION MAIL TO:

City Clerk
City of Brisbane
50 Park Place
Brisbane, CA 94005

THIS SPACE FOR RECORDER'S USE

RESOLUTION NO. 2019-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE DESIGNATING A PORTION OF ANNIS ROAD WITHIN THE CITY OF BRISBANE AS PUBLIC RIGHT OF WAY AND DEDICATING SUCH PARCEL TO SUCH USE

Recitals

- A. In 2008, as a condition of development at 200 Annis Road, the City of Brisbane accepted by Quitclaim Deed certain public improvements within a portion of an area generally known as Annis Road.
- B. The Quitclaim Deed was recorded on February 7, 2008, Instrument No. 2008-012712, San Mateo County Records.
- C. Although the Quitclaim Deed confirmed the City's acquisition of these improvements, the Quitclaim Deed did not designate those public improvements as public right of way nor dedicate the public improvements to such use.
- D. This portion of Annis Road, as set forth in the Quitclaim Deed, has been and continues to be, used as public right of way, maintained by the City of Brisbane.
- E. The City Council of the City of Brisbane now wishes to designate those public improvements as public right of way and dedicate such improvements as public right of way.

**NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of
Brisbane as follows:**

1. The portion of Annis Road described on the attached Exhibit A and depicted on the Attached Exhibit B is hereby designated public right of way and is dedicated as such.
2. The City Clerk is directed to record this resolution and its attachments in the Recorder's Office of San Mateo County.

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Madison Davis, Mayor

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR A PORTION OF ANNIS ROAD

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF BRISBANE, COUNTY OF SAN MATEO, STATE OF CALIFORNIA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF PARCEL B AS SHOWN ON THE MAP RECORDED MAY 9, 1974, IN THE OFFICE OF THE COUNTY OF SAN MATEO RECORDER IN BOOK 24 OF OFFICIAL RECORDS AT PAGE 41; THENCE FROM SAID POINT OF BEGINNING , ALONG THE WESTERLY PROPERTY LINE OF SAID PARCEL B, SOUTH 04° 20' 00" EAST, 73.73 FEET; THENCE, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 207.50 FEET, AN ARC LENGTH OF 54.32 FEET, A CENTRAL ANGLE OF 15° 00' 00" TO THE SOUTHWESTERLY CORNER OF SAID PARCEL B; THENCE, LEAVING THE SAID WESTERLY LINE, NORTH 79° 20' 00" WEST, 30.69 FEET, MORE OR LESS TO THE POINT ON THE EASTERLY PROPERTY LINE OF PARCEL OF LAND DESCRIBED IN THE GRANT DEED RECORDED UNDER DOCUMENT #2000-141184, IN THE OFFICE OF THE COUNTY OF SAN MATEO RECORDER; THENCE, FROM SAID POINT, ALONG THE EASTERLY PROPERTY OF SAID PARCEL THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 177.50 FEET, AN ARC LENGTH OF 46.43 FEET, AND A CENTRAL ANGLE 14° 59' 13"; THENCE NORTH 04° 20' 00" WEST, 76.50 FEET, TO THE MOST SOUTHWESTERLY CORNER OF ANNIS ROAD AS DESCRIBED WITHIN EXHIBIT "A" IN THE QUITCLAIM DEED RECORDED UNDER DOCUMENT #2005-076481, IN THE OFFICE OF THE COUNTY OF SAN MATEO RECORDER; THENCE, FROM SAID POINT ALONG THE SOUTHERLY LINE OF SAID ANNIS ROAD, NORTH 85° 40' 00" EAST, 30.68 FEET, MORE OR LESS, TO A POINT IN THE WESTERLY PROPERTY LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED RECORDED IN BOOK 862 OF OFFICIAL RECORDS OF COUNTY OF SAN MATEO AT PAGE 152; THENCE ALONG THE SAID PROPERTY LINE, SOUTH 04° 20' 00" EAST, 2.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,895.23 SQ. FT., MORE OR LESS

*PLAT MAP, EXHIBIT "B", SHOWING THE ABOVE PORTION OF ANNIS ROAD IS ATTACHED HERETO AND MADE PART HEREOF.

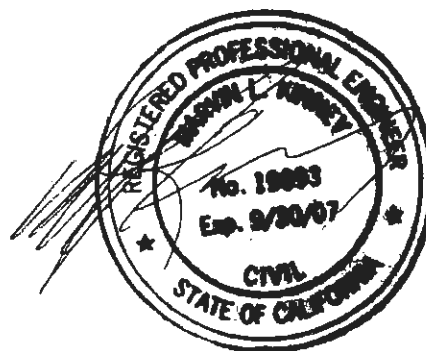
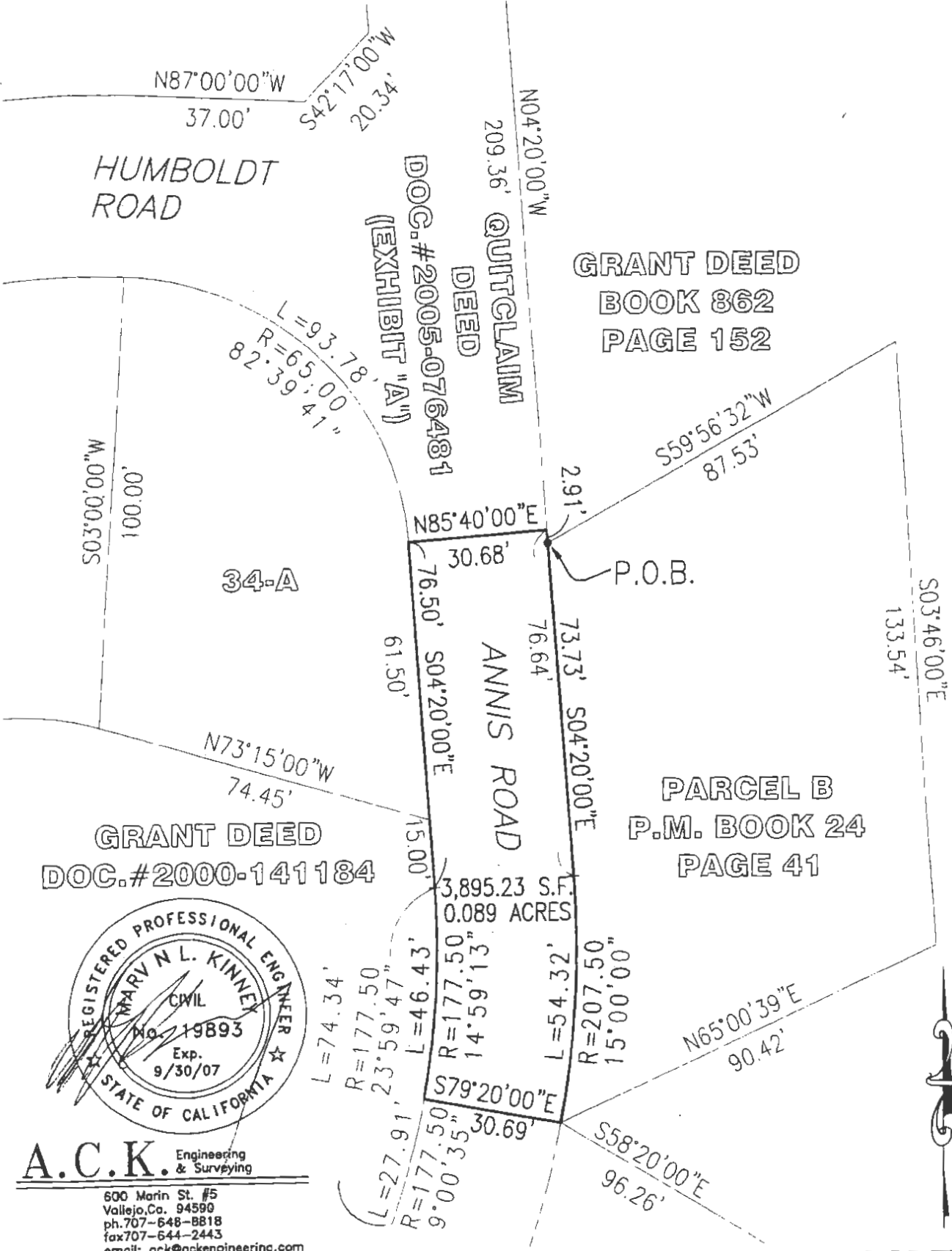


EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR A PORTION OF ANNIS ROAD
SCALE: 1" = 30'



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